

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSE MARIA DeCASTRO,
a/k/a CHILLE DeCASTRO,
a/k/a DELETE LAWZ,

Plaintiff,

v.

JOSHUA ABRAMS a/k/a
ACCOUNTABILITY FOR ALL, KATE
PETER a/k/a MASSHOLE
TROLL MAFIA,

Defendants.

CASE NO. 1:22-cv-11421-ADB

LEAVE GRANTED ON 10/24/2022

AFFIDAVIT OF BENJAMIN J. WISH

I, Benjamin J. Wish, under oath depose and state as follows based upon my personal knowledge:

1. I am an attorney with the law firm of Todd & Weld LLP, counsel for Defendant Kate Peter (“Ms. Peter”).

2. I am submitting this affidavit to apprise the Court of Mr. DeCastro’s conduct and behavior following the Court’s October 21, 2022 order that, among other things, “Plaintiff and Defendants are ORDERED not to engage in any threatening, harassing, illegal, or otherwise inappropriate behavior when engaging with each other, or with any individual or entity that may have knowledge pertaining to this matter.” See ECF No. 33.

Mr. DeCastro Threatens to Execute on His Plan to Use this Litigation as a Weapon to “Drain”
Ms. Peter of All Resources

3. Prior to the inception of this litigation, Mr. DeCastro declared his intent to use this litigation as a cudgel: “I don’t care if I win” because “I care that you have to hire a lawyer . . . I care that I extend the process for as long as I can to drain you.” Affidavit of Kate Peter (“Peter Aff.”) (ECF No. 28), Exhibit A. Indeed, on September 7, 2022, Mr. DeCastro stated on his YouTube channel: “Eventually I’m gonna get them, because the thing is that, I’ll, I will break them financially. They will have to hire a lawyer. I will file motion after motion after and I’ll just keep going legally after them until I break them, until they can’t afford to hire a lawyer anymore so they run out of money. That’s what I’m gonna do, I’m gonna break them.”¹

4. Mr. DeCastro announced to his subscribers on the evening of October 21, 2021, just hours after the Court’s order “not to engage in any threatening, harassing, illegal, or otherwise inappropriate behavior when engaging with each other, or with any individual or entity that may have knowledge pertaining to this matter,” ECF No. 33, that he was executing on his plan to use the litigation to drain Ms. Peter’s resources.

5. In particular, in a video on Mr. DeCastro’s Delete Lawz YouTube channel, Mr. DeCastro threatened Ms. Peter: “And now it’s like you’re here against someone who will never stop. Will never ever relent. **I just, I won’t ever I won’t ever ever stop until this chick is done. Period.** I don’t care how long it takes. It might take three or four years.” The Texts are 90 Mins Long (Oct. 21, 2022) (emphasis supplied), available at <https://www.youtube.com/watch?v=aK6RYj109Ic>, at 54:31. Notably, this video is no longer

¹ This YouTube broadcast can be viewed at <https://youtu.be/XX-is5kJ6zQ?t=722> (this particular link, like all other links herein and in the affidavit of Ms. Peter, goes directly to the at-issue quote).

available on the Delete Lawz YouTube channel; the version now available was posted from a download of the video Mr. DeCastro posted on October 21, 2022.

6. Mr. DeCastro further commented on the funds Ms. Peter had gathered to defend against his lawsuit: “She’s going to need that money . . . we don’t stop over here! We don’t stop! We don’t stop under any circumstances under any conditions.” The Texts are 90 Mins Long (Oct. 21, 2022), available at <https://www.youtube.com/watch?v=aK6RYj109Ic>, at 10:45.

7. Similarly, Mr. DeCastro has announced to undersigned counsel that he is executing on his plan to exhaust Ms. Peter’s resources so that she has no option but to resolve the matter: “Let’s burn through that 50 grand she’s giving you so that we can just get to the settlement part.” Emails between Counsel and J. DeCastro (Oct. 23, 2022), a true and correct copy of which are attached here as Exhibit A.

Mr. DeCastro Harasses Ms. Peter By Accusing Her of Losing Her Kids

8. As Mr. DeCastro is aware, Ms. Peter was a victim of severe and traumatic physical, psychological, and sexual abuse at the hands of her husband. As the affidavit of Ms. Peter attests, Ms. Peters ultimately made the difficult decision to agree that two of her four children be adopted as a direct consequence of the extreme abuse which she suffered for years.

9. Despite this history, Mr. DeCastro chose to harass Ms. Peter by invoking the adoption of two of her children: “The line of moral and immoral. Is that the line you’re talking about? Because you’ve crossed way over into immoral when instead of taking care of your children, you lost those children to adoption instead of, and you worked on your trolling career.” <https://www.youtube.com/watch?v=aK6RYj109Ic>, at 54:16.

Mr. DeCastro Intentionally Misrepresents the Court's Orders

10. In addition to continuing, and amplifying, his threats and harassment towards Ms. Peter and others, Mr. DeCastro has persisted in mischaracterizing the process before this Court to seek to serve his own ends.

11. Following the Court's October 21, 2022, Mr. DeCastro lied to his subscribers: "[T]he judge dismissed their frivolous motions." The Texts are 90 Mins Long (Oct. 21, 2022), available at <https://www.youtube.com/watch?v=aK6RYj109Ic>, at 47:28.

12. He went so far as to mischaracterize the Court's rationale for purportedly denying Ms. Peter's pending motion to dismiss the complaint: "And so when they filed the frivolous emergency hearing motion, the judge looked at that and said he's in California and you're in Massachusetts and nothing in these emails is threatening at all." *Id.* at 47:55.

13. The Court said nothing of the sort.

14. In the same way, Mr. DeCastro has claimed that undersigned counsel participated in an improper *ex parte* status conference based upon Mr. DeCastro being absent at that status conference.

15. As previously explained, Mr. DeCastro elected not to appear at a Court-ordered status conference on October 18, 2022. *See* Affidavit of Benjamin Wish (ECF No. 29).

16. Mr. DeCastro is now seeking to leverage his decision to disregard the Court order for all parties to appear at the October 18, 2022 status conference, ECF No. 17, to claim that the status conference was improper and unethical.

17. Indeed, he now takes the position that the status conference which the Court ordered and of which Mr. DeCastro had actual notice via (i) an email from the Court, (ii) an email from undersigned counsel, and (iii) a telephone call with undersigned counsel amounted to an improper *ex parte* hearing:

You got me on this one. Im not sure so You held an ex pate, status conference hearing With one party? And.... and thats now done?

Hmmmmmm. I wonder how that's even possible. I thought a status conference was between the parties involved or the parties lawyers?

Maybe I'm confused or...

Once again, you're showing your unethical behavior. I'm keeping track of everything to file a proper complaint with the bar that I will then follow up on.

You can't have a status conference hearing when I'm not there and I don't have a representative there.

Sowwy-Unethical-Benny.

Exhibit A.

Mr. DeCastro Needlessly Insults Ms. Peter

18. Mr. DeCastro took time on his video to insult Ms. Peter's appearance: "I mean, it would be one thing if Kate was a babe and you supported her . . . maybe she was a foot model and you supported her . . . lots of foot models are supported by creeps like you on the internet but she's not a foot model. She not a babe. So, if you're a simp and you're supportin' that then I just don't understand that." The Texts are 90 Mins Long (Oct. 21, 2022), available at <https://www.youtube.com/watch?v=aK6RYj109Ic>, at 100:25

Signed under the penalties of perjury on this 23rd day of October 2022.



Benjamin J. Wish, Esq.